



INVESTIGATION OF COMMUNIST ACTIVITIES IN THE PHILADELPHIA AREA—Part 5

HEARING BEFORE THE COMMITTEE ON UN-AMERICAN ACTIVITIES HOUSE OF REPRESENTATIVES EIGHTY-THIRD CONGRESS SECOND SESSION

JULY 30, 1954

Printed for the use of the Committee on Un-American Activities

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *
17. Committee on Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *
(q) (1) Committee on Un-American Activities.
(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 83D CONGRESS

House Resolution 5, January 3, 1953

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

* * * * *

(q) Committee on Un-American Activities, to consist of nine members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

(a) Un-American Activities.

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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE PHILADELPHIA AREA—Part 5

FRIDAY, JULY 30, 1954

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.
PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10:36 a. m., in the caucus room, 362, Old House Office Building, Hon. Harold H. Velde (chairman) presiding.

Committee members present: Representatives Harold H. Velde (chairman), Donald L. Jackson, Gordon H. Scherer (appearance shown in transcript), Francis E. Walter, Morgan M. Moulder (appearance shown in transcript), and Clyde Doyle (appearance shown in transcript).

Staff members present: Robert L. Kunzig, counsel; and Earl Fuoss, investigator.

Mr. VELDE. The committee will be in order.

Let the record show I have appointed a subcommittee consisting of Mr. Jackson of California, Mr. Walter of Pennsylvania, and myself of Illinois, as chairman, for the purposes of this hearing.

Mr. Counsel, will you make a statement regarding the purpose and nature of this hearing?

Mr. KUNZIG. Mr. Chairman, on February 16, 1954, there appeared before this committee one Wilbur Lee Mahaney, Jr., a teacher from the Philadelphia Public Schools who was subpoenaed to testify about his knowledge concerning Communist activities in the Philadelphia, Pa., area and to give us the benefit of the sum total of his knowledge on that subject.

He came before the committee and admitted that he had been a member of the Communist Party but refused to answer any further questions.

He was then dismissed from the stand.

Thereafter, on May 11, 1954, after a unanimous vote by the committee itself, the House of Representatives, by a vote of 346 to 0, cited Wilbur Lee Mahaney, Jr., for contempt of Congress. That was in Report 1580 and the resolution adopted that day was House Resolution 535, as I said, by a vote of 346 to 0.

The matter is even now pending in the hands of the United States attorney for the District of Columbia.

Thereafter, and very recently, one of the members of the staff of this committee was contacted by Dr. Mahaney who said that he wished to come before the committee and answer all questions. The

committee then received a written communication from Dr. Mahaney which I have marked as "Mahaney Exhibit No. 1" for identification.

This is a letter signed by W. L. Mahaney, Jr., dated July 26, 1954, and reads as follows:

DEAR CHAIRMAN VELDE: On my own initiative I have decided to ask the Committee on Un-American Activities for permission to appear before it to answer fully and freely all questions relative to the inquiry at hand. On grounds of conscience and loyalty to the memory of a dead person, I previously had refused to answer any inquiries other than about myself.

I took this position because of a false sense of loyalty, I believe, and also because I was ill advised to do so. I should like to get this matter cleared up permanently, once and for all, and if any information I have will accomplish this I stand ready and willing to give it to the best of my recollection. I am taking this position today without the advice of counsel.

I do not wish to appear to be setting any conditions for this hearing, but I would personally prefer an executive session, if agreeable to the committee.

Thanking you for this consideration, I am,

Sincerely yours,

W. L. MAHANEY, Jr.

The committee then met and voted that because Dr. Mahaney had been heard in public session that his present testimony should be in public session, and he was invited to come if he desired to come.

His appearance here this morning is without subpena. It is a voluntary appearance. He is here on his own responsibility.

May I call the witness, sir?

Mr. VELDE. Before you call the witness, let the record show that Mr. Scherer, of Ohio, has arrived and is included in the subcommittee that the chairman appointed.

(Representative Gordon H. Scherer entered the hearing room at this point.)

Mr. VELDE. Call your witness.

Mr. KUNZIG. I call Dr. Wilbur Lee Mahaney.

Mr. VELDE. Will you raise your right hand, Dr. Mahaney?

In the testimony you are about to give before this committee, do you solemnly swear you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MAHANEY. I do.

Mr. KUNZIG. Will you please state your full name, sir?

TESTIMONY OF WILBUR LEE MAHANEY, JR.

Mr. MAHANEY. My name is Wilbur Lee Mahaney, Jr.

Mr. JACKSON. Mr. Chairman.

Mr. VELDE. Mr. Jackson.

Mr. JACKSON. May I direct one question to the witness at this time?

Mr. VELDE. Yes.

Mr. JACKSON. Have you been promised any reward or inducement or immunity for your appearance here this morning?

Mr. MAHANEY. Definitely not; I was told to the contrary.

Mr. VELDE. Let the record show that Mr. Doyle, of California, has arrived and is also included in the subcommittee appointed by me.

(Representative Clyde Doyle entered the hearing room at this point.)

Mr. KUNZIG. What is your residence, sir?

Mr. MAHANEY. 704 Main Street, Trappe, Pa.

Mr. KUNZIG. You were present in the hearing room and heard the statement that I made for the record just a few moments ago?

Mr. MAHANEY. Yes.

Mr. KUNZIG. Was my statement correct?

Mr. MAHANEY. That is right.

Mr. KUNZIG. You are testifying here this morning, voluntarily; is that right?

Mr. MAHANEY. That is right.

Mr. KUNZIG. And you communicated with the committee and asked for the opportunity to appear?

Mr. MAHANEY. That is true.

Mr. KUNZIG. I asked you, did I not, at that time, whether you were represented by counsel and said that you previously had been represented by Mr. Rahill,¹ of the Philadelphia bar, and that I of course would wish to contact Mr. Rahill, and I asked if he still represented you and you said that he did not.

Mr. MAHANEY. You asked me if I was being represented by counsel and I said no, that this appearance I took was on my own initiative. I don't know exactly what to say about his status inasmuch as when I decided to do this I did it without his advice or counsel or consultation. I merely notified him by telegram that I was taking this step.

Mr. KUNZIG. You know, of course, under the rules of the committee—and I know that you are familiar with them—that you have a right to have counsel, and I take it that you are desirous of testifying this morning without counsel.

Mr. MAHANEY. I am doing this on my own responsibility.

Mr. KUNZIG. You do not wish counsel this morning?

Mr. MAHANEY. That is right.

Mr. KUNZIG. I read into the record this morning a letter marked "Mahaney Exhibit No. 1," for identification. Was that a letter which you sent to the chairman of this committee?

Mr. MAHANEY. That is the letter.

Mr. KUNZIG. That is the letter?

Mr. MAHANEY. Yes.

Mr. KUNZIG. Mr. Chairman, I offer into evidence the document marked "Mahaney Exhibit No. 1" for identification, the letter sent by Dr. Mahaney to this committee.

Mr. VELDE. Without objection, it will be received in the record at this point.

(Letter dated July 26, 1954, addressed to Committee on Un-American Activities, from W. L. Mahaney, Jr., was marked "Mahaney Exhibit No. 1" for identification, and received in evidence.)²

Mr. VELDE. Let the record show that Mr. Moulder, of Missouri, has arrived and is also included in the subcommittee I have appointed.

(Representative Morgan M. Moulder entered the hearing room at this point.)

Mr. KUNZIG. Dr. Mahaney, would you explain for the committee the circumstances surrounding your change of attitude and would you explain your position regarding your testimony before and your testimony today?

¹ William Allen Rahill.

² Read into record on p. 6774, and retained in committee files.

Mr. MAHANEY. Yes; I will be very glad to explain that.

I never had complete assurance in my own conscience that I had done the right thing, although at the time I did believe that I was acting out of conscience. As I explained to the committee I had no intention of showing any disregard to the committee or its members, but that in good conscience I did not feel that I could discuss anyone's activities except my own, especially since one of the persons I knew to be involved was deceased. This was a matter of strong conscience with me and so I tried to explain that to the committee.

I think I have now come to the conclusion that my position was completely wrong and erroneous and I feel that I was probably being unduly squeamish about it and I wanted to clear the record up once and for all and get everything as straight as humanly possible.

There was no promise made to me of any sort.

Mr. SCHERER. You made this decision to come back before the committee and clear up these matters that you have indicated you wanted cleared up after you were cited by the Congress for contempt?

Mr. MAHANEY. That is a matter of time record, but I do not think that was the major consideration. I was never quite comfortable in my own mind that my position was ethical, so to speak, either.

Mr. SCHERER. Doctor, you made no attempt to contact the committee with reference to your change of mind until after you had been notified of your citation for contempt?

Mr. MAHANEY. The only notification I ever had was that I saw it in the papers and that I understood at the beginning might be a matter of fact.

Mr. SCHERER. But until you saw the notice of the action of the Congress in the paper you made no effort to contact the committee with reference to changing or adding to your testimony?

Mr. MAHANEY. I made no attempt to contact Mr. Fuoss until the end of the week, about around the 23d or something like that.

Mr. SCHERER. And that was after you had knowledge of the citation of contempt.

Mr. MAHANEY. Yes, sir, it was.

Mr. SCHERER. Had you consulted anybody about the possibility of coming before the committee before you learned of the congressional citation?

Mr. MAHANEY. As I tried to make clear, my wife and family and I were never quite satisfied that this was the proper position for me to take. Although at the time I took it I did in good conscience and my conscience later told me that it was an improper position.

Mr. SCHERER. I explained to you rather fully at the time you were here before the committee that it was an improper position.

Mr. MAHANEY. Yes; I am sure you did.

Mr. SCHERER. And very carefully so and quite at length.

Mr. MAHANEY. Yes; I do recall it, Mr. Scherer.

Mr. SCHERER. The responsibility was not yours in testifying with respect to the individuals who were members of the Communist Party, but it was that of the committee in view of the fact that the committee subpoenaed you and you were here under compulsion of subpoena. That was explained to you at the time.

Mr. MAHANEY. Yes it was, Mr. Scherer.

Mr. SCHERER. I have no further questions at this time, Mr. Chairman.

Mr. JACKSON. May I direct an inquiry to the Chair or to counsel?

Mr. VELDE. Yes.

Mr. JACKSON. Obviously one of the principal reasons which caused the present witness to take the position he did was his reluctance to name a person who was deceased or who has since passed away as a member of the Communist Party.

Is it essential to the present inquiry that that individual be named today?

Mr. VELDE. Well, as far as the Chair is concerned and in line with our policy of the past, we will not insist on receiving that testimony, and I am inclined to follow the precedent that the committee has followed.

Mr. KUNZIG. I think the record should be clear that the question of who recruited Dr. Mahaney into the Communist Party is only one of many questions he refused to answer.

Mr. WALTER. He ascribes two reasons: One is a false sense of loyalty, and the second reason was that he was ill advised. So there were actually two reasons.

Mr. JACKSON. I wondered whether it was essential to this hearing inquiry to elicit the name of the deceased person.

Mr. SCHERER. Mr. Jackson, my recollection of Dr. Mahaney's testimony is such that I do not believe his refusal to answer the question was based to any degree, let us say, on the fact that one of the many individuals we were inquiring about was deceased.

Mr. JACKSON. Well, I do not want to belabor the point.

Mr. VELDE. The Chair is inclined to follow our precedent and not question the witness about any deceased person by name except to get the fact that he was recruited by a person now deceased, recruited into the Communist Party. I feel he can leave the matter of this person's identity out of the record.

Mr. WALTER. I think it is far more important to find out who it is who has been impeding the work of this committee. What difference does it make if it is a dead person? If anybody has been able to influence the witness to not only not cooperate but place himself or herself in a position where they might be prosecuted for contempt, it seems to me that we ought to know who it is.

You said in your letter of July 26, Doctor, that you were ill advised not to cooperate. Who advised you not to cooperate with this committee?

Mr. MAHANEY. Well, I guess I am more responsible than anybody else, of course, because this was, I thought, a matter of conscience with me at the time. In other words, I considered it a very serious thing and I was confirmed in that belief by the position which my attorney took in that he agreed that the position was morally defensible, which was what I thought I was doing.

Mr. WALTER. Do you mean to say that an attorney advised you not to cooperate with a committee of Congress?

Mr. MAHANEY. No, I wouldn't say advised me not to cooperate with a committee of Congress, but he explained to me that there was a danger of contempt but he thought possibly that the committee would understand that I was refusing to testify on grounds of conscience and he thought, I suppose, that I would be sustained in that position or possibly he hoped I might be sustained.

Mr. SCHERER. And you understood from your testimony, answering the way you did, that it might subject you to a contempt citation?

Mr. MAHANEY. Yes, he did so inform me; he told me that that was a possibility and certainly made me aware of it.

Mr. VELDE. The Chair feels that we have explored this matter of his reasons for testifying fully and I ask counsel to proceed.

Mr. KUNZIG. When and where were you born?

Mr. MAHANEY. Clifton Forge, Va., November 3, 1902.

Mr. KUNZIG. Will you give us please, so the record may be complete today your educational background?

Mr. MAHANEY. I was graduated from the Clifton Forge, Va., High School in 1920, an academic course. I was president of the senior class. I won the State scholarship to the University of Virginia.

My father objected to my going inasmuch as I was about 16 years old at the time and he said that the University of Virginia was a place for men and not youngsters, so instead I went to the University of Richmond where I stayed 4 years, and took a bachelor of arts degree. I played football, baseball, and track for the university. I graduated in 1924 with a bachelor's degree. I was president of the senior class of the University of Richmond. In 1928 I took a master's degree from the University of Virginia.

In 1938 I took a Ph. D., a doctor's degree, from the University of Pennsylvania. I was awarded the Pennfield Fellowship in International Diplomacy, Belles Lettres, which was the top fellowship at the University of Pennsylvania and went to do further graduate work and worked on my doctoral dissertation at the League of Nations in Geneva, Switzerland, in 1933 and 1934.

My doctorate was conferred in 1938. My subject was the Soviet Union. The title was "The Soviet Union, the League of Nations and Disarmament."

Mr. KUNZIG. Would you give us a brief description of your employment background?

Mr. MAHANEY. In 1924 and 1925 I taught at the Halifax, Va., High School.

In 1925 and 1926 I taught and coached at the Smyrna, Del., High School.

In 1926 and 1927 I did graduate work at the University of Virginia.

In 1927 and 1928 I taught at Augusta Military Academy, Fort Defiance.

In September 1929 I took a position as instructor with the Philadelphia Public School System.

Mr. KUNZIG. You have been with the Philadelphia Public School System until just recently?

Mr. MAHANEY. Yes.

Mr. KUNZIG. Is it correct that you had a hearing with regard to alleged Communist activities?

Mr. MAHANEY. Well, that was not technically the hearing.

Mr. KUNZIG. What was the hearing about?

Mr. MAHANEY. I was one of a number of teachers who were called to a hearing before the board as a result of alleged incompetence, the incompetence being that we had refused to discuss certain things with the superintendent of schools, Dr. Hoyer.

Mr. KUNZIG. And those items involved membership or lack of membership in the Communist Party, did they not?

Mr. MAHANEY. Yes.

Mr. KUNZIG. You had a hearing. Was it a public hearing?

Mr. MAHANEY. Yes.

Mr. KUNZIG. What date was that hearing?

Mr. MAHANEY. If I recall, it was June 7 this year.

Mr. KUNZIG. 1954?

Mr. MAHANEY. Yes.

Mr. KUNZIG. Have you heard the results of that hearing?

Mr. MAHANEY. The result of that hearing was that I, along with the rest of them, and I think I was the final person to be heard, were dismissed and there is now an appeal pending before the State superintendent of public instruction, Dr. Haas.

Mr. KUNZIG. Is there an appeal pending your case?

Mr. MAHANEY. An appeal has been filed, I should say.

Mr. KUNZIG. At the present moment you have been dismissed from the Philadelphia School System?

Mr. MAHANEY. That is correct.

Mr. KUNZIG. I will repeat briefly for you a few of the questions I asked you before.

Have you ever been a member of the Communist Party, sir?

Mr. MAHANEY. Yes; I have.

Mr. KUNZIG. When did you become a member of the Communist Party?

Mr. MAHANEY. Around the fall of 1935 or the spring of 1936.

Mr. KUNZIG. And you stayed in until when?

Mr. MAHANEY. Until, I would say, the spring of 1946.

Mr. KUNZIG. Will you describe for the committee how you became a member of the Communist Party?

Mr. MAHANEY. Well, when I came back from Europe I, of course, was busy with a lot of research and I had done enough reading and I was still working on it, but after coming back to Philadelphia I met people who said they were members of the Communist Party and I was solicited to join. This went on for a number of months and I should say that after some 5 or 6 months I finally agreed to join the Communist Party.

Now, at the time I probably did not realize any serious implications or never thought of any serious implications being involved, because, as it was explained to me, the Communist Party had a program which was rather expansive and liberal or progressive or whatever you want to call it, and so far as I could see the alleged objectives of the party were somewhat similar to the aims that I thought were being pursued by the Roosevelt administration. In other words, I do not want to give the impression or hurt any Democrat's feelings, because I will very frankly admit that I myself was a registered Democrat at that time, and that I had been and was at a 2-year later date a Democratic committeeman myself.

I was interested mostly in international affairs and peace and disarmament and such general topics as that, and unemployment and the party policy and aim seemed to be in that general direction.

Actually I never saw anything inconsistent with my Communist Party membership in being a good Democrat, as a matter of fact.

As I think I said before, I voted the straight Democratic ticket on these years.

Mr. KUNZIG. You mentioned that several people tried to influence you to join the Communist Party.

Mr. MAHANEY. Yes.

Mr. KUNZIG. Leaving out the name of the person who is now deceased, will you tell us about these people who tried to influence you and recruit you into the Communist Party?

Mr. MAHANEY. Well, I do not have the qualms of conscience that I did have previously. I do not think that I would be betraying any memory and I have no objection to mentioning the fact that one of the persons who solicited me to join who is deceased was Mrs. Sylvia Drasin.

Mr. KUNZIG. Dr. Mahaney, so there will be no mistake in identity of this person whom you just named who is deceased, is this person any relation to Samuel Drasin who appeared before this committee in February of 1954, one of the Philadelphia teacher group?

Mr. MAHANEY. Yes, she was Mr. Drasin's wife.

Mr. KUNZIG. And the committee will recall, Mr. Chairman, that Mr. Drasin was a fifth amendment witness before the committee.

Who else, Dr. Mahaney, recruited you into the party?

Mr. VELDE. Where did Mr. Drasin testify? Was that in Philadelphia?

Mr. KUNZIG. No, sir; it was in Washington, D. C., in February of 1954.

Mr. MAHANEY. The other person who I think had the most influence in signing me up, so to speak, to the party was a Mrs. Lillian Marcovitz.

Mr. KUNZIG. Could you further identify Mrs. Lillian Marcovitz?

Mr. MAHANEY. The only identification I guess would be that she is or was an ex-schoolteacher.

Mr. KUNZIG. In the Philadelphia school system?

Mr. MAHANEY. Yes, and who left the system many, many years ago, possibly around 1940 or so.

Mr. KUNZIG. Have you any further identification such as an address or anything of that sort or is she married?

Mr. MAHANEY. Well, at the time that I knew her she lived around the 2200 block of Pine Street.

Mr. JACKSON. Mr. Chairman.

Mr. VELDE. Mr. Jackson.

Mr. JACKSON. When did you last see Mrs. Marcovitz?

Mr. MAHANEY. The last time I saw Mrs. Marcovitz was I guess some 3 or 4 months ago when, in the pursuit of my present employment I went to see them about purchasing a set of the 1954 edition of the Encyclopedia Britannica. I am working with the Encyclopedia Britannica and I understood that Dr. Marcovitz, her husband, was interested. Since you asked me, the last time, that was the last time.

Mr. JACKSON. Could you tell us today, under the compulsion of your oath, that Mrs. Marcovitz is no longer a member of the Communist Party?

Mr. MAHANEY. To my actual knowledge, I could not testify, but I did see Mrs. Marcovitz. I ran into her back in 1949 in Philadelphia, I just happened to bump into her in town and we exchanged pleasantries and among the things she mentioned to me was the fact that she had left the party in 1940 or 1941. Now, other than that, I have no knowledge.

Mr. JACKSON. Thank you.

Mr. KUNZIG. You mentioned a Dr. Marcovitz. Do you know whether that is a doctor of philosophy or a medical doctor?

Mr. MAHANEY. I am sure he is a medical doctor.

Mr. KUNZIG. In joining the Communist Party, Dr. Mahaney, in early 1936, to what branch of the party did you belong?

Mr. MAHANEY. Well, I don't know what name the branch may have had, but my first meeting that I attended was held in town in the city of Philadelphia. I myself lived in Germantown in those days and the meeting was held at a small apartment around 16th or 18th on Vine Street, as I recall it.

Mr. KUNZIG. Did you meet in any public hall or in the home of some individual?

Mr. MAHANEY. No, it was not a public hall. It was a private apartment.

Mr. KUNZIG. Do you know the name of the tenant of the apartment?

Mr. MAHANEY. I was trying to be absolutely certain about it. My recollection of it is that it was a young lady. Of course I know who she was. She was a single woman. I think her name was Reed.

Mr. KUNZIG. How many people attended these meetings?

Mr. MAHANEY. Well, there were only 5 or 6 that I have any recollection of at all. There was this Miss Reed and myself and then there was a colored man whose name I have forgotten and whose name I do not think I ever knew. Mr. and Mrs. Drasin, Samuel and Sylvia.

Mr. KUNZIG. This is the first time you mentioned Mr. Samuel Drasin. There is no doubt in your mind that these were Communist Party meetings?

Mr. MAHANEY. No, these were regular Communist Party meetings. It was the first place I ever went to a Communist Party meeting.

Mr. KUNZIG. So to your knowledge Samuel Drasin was a member of the Communist Party?

Mr. MAHANEY. Naturally, I thought he was. He was at the same meeting I was.

Mr. KUNZIG. You knew him to be a member of the Communist Party?

Mr. MAHANEY. Yes.

Mr. JACKSON. This was a closed meeting of the Communist Party?

Mr. MAHANEY. This was a regular meeting. At that time I never heard of such a thing. It was a regular party meeting. We met about once or twice a month.

Mr. JACKSON. Did you ever hear of a Communist Party meeting that you attended that was an open meeting?

Mr. MAHANEY. Oh, yes; some years later, but at this time I never heard of such a thing.

Mr. KUNZIG. So the record may be clear, you knew that Samuel Drasin was a member of the Communist Party?

Mr. MAHANEY. Yes.

Mr. KUNZIG. Now, to whom did you pay dues in this group?

Mr. MAHANEY. To this Miss Reed. We paid dues to her. She collected dues.

Mr. KUNZIG. Over what period of time did you attend meetings at this group?

Mr. MAHANEY. That was probably the first year or two, 1936-37.

Mr. KUNZIG. Where else did you attend meetings of the Communist Party?

Mr. MAHANEY. The next meeting place that I recall was in northeast Philadelphia. I don't know whether you call it the old York Road or Champlost section.

I attended meetings there for a while. That would be around 1938-39. Possibly it might even run over in 1940.

Mr. KUNZIG. At whose house did you attend the meetings?

Mr. MAHANEY. I would say the house was owned or rented by a Mr. Geiselman. That was Paul Geiselman, Sr. That was the place where we had meetings but Mr. Geiselman was not a member of the group so far as I knew, himself. His son Paul, Jr., met with us.

Mr. KUNZIG. It was at the home of Paul Geiselman, Sr., but the person who was the member was Paul Geiselman, Jr.?

Mr. MAHANEY. He was the person most active when we met; he and his sister whose name was Lucia.

Mr. KUNZIG. You say that was a sister of Paul Geiselman, Jr.?

Mr. MAHANEY. That is correct.

Mr. KUNZIG. How long did you attend meetings at this place?

Mr. MAHANEY. Of course I was there myself and the two Geiselman's. I would say from 1938-39 and possibly into early 1940.

Mr. KUNZIG. To whom did you pay dues in this group of the Communist Party?

Mr. MAHANEY. To Miss Geiselman.

Mr. KUNZIG. Lucia Geiselman?

Mr. MAHANEY. Yes.

Mr. KUNZIG. Mr. Chairman, Mr. Samuel Di Maria, in his appearance in Philadelphia in October 1952, testified that he was recruited into the Communist Party in 1939 and assigned to a branch of the party of which Cea Geiselman and Paul Geiselman, Jr., brother and sister, were the officers of the branch.

He further testified that he paid dues to Cea Geiselman.

These individuals were undoubtedly the same two individuals to which the present witness today is referring.

You mentioned three people, the Geiselman's and yourself in this group. Is that all that you recall in this particular branch of the Communist Party?

Mr. MAHANEY. Yes, it is.

Mr. KUNZIG. Approximately how many members belonged to the group?

Mr. MAHANEY. I do not think I could be too accurate, but I do not believe that the membership was more than 6 or 7 or 8.

Mr. KUNZIG. You cannot remember the names of the others?

Mr. MAHANEY. No, I do not.

Mr. KUNZIG. Would you please tell us the next group to which you belonged?

Mr. MAHANEY. Well, I think at the same time or probably concurrently in 1940 or 1941 I used to go to meetings at the home of Samuel and Sylvia Drasin.

Mr. KUNZIG. They are the two people you have mentioned already?

Mr. MAHANEY. Yes.

Mr. KUNZIG. Who attended these meetings?

Mr. MAHANEY. Well, I recall about 3 or 4 all together. There was myself and Samuel and Sylvia, and then there was another person who was Mrs. Reisbord.

Mr. KUNZIG. Can you further identify this person whom you have named as Mrs. Reisbord?

Mr. MAHANEY. Mrs. Anne Reisbord.

Mr. KUNZIG. Is she married?

Mr. MAHANEY. She was married.

Mr. KUNZIG. Did her husband attend all the meetings?

Mr. MAHANEY. Somewhat later on. In other words, at first I do not recall Mr. Reisbord, whose name was Alex, I believe. She was an ex-teacher who had left the system some years before and was just a housewife and she and myself and Mr. Reisbord, and I cannot recall more than about four of us, myself, and an Alex were there and of course the Drasins still met with us at the Reisbord's.

Mr. KUNZIG. Where did these meetings take place?

Mr. MAHANEY. Well, they took place at the Reisbord residence.

Mr. KUNZIG. Where was that?

Mr. MAHANEY. It was about a block and a half—it was in the Mount Airy section of Philadelphia, about a block and a half off Lincoln Drive. I think the residence was on Cresheim Road.

Mr. KUNZIG. I think the record should show, Mr. Chairman, that although some like to emphasize that communism flourishes in the poorer districts of the city, that this district now being referred to where Communist Party meetings were held is one of the wealthiest districts of the city of Philadelphia, an upper-class district.

Over what period of time did you attend meetings with the Reisbord's?

Mr. MAHANEY. 1941 and 1942 was the approximate period.

Mr. KUNZIG. What sort of things would take place at these meetings? What did you do?

Mr. MAHANEY. Well, the meetings were mostly in the form of discussion groups about current problems, about political problems that were taking place, either in Harrisburg or in Washington or whatever international crisis if such was occurring and we spent usually about an hour and a half discussing things and expressing our opinions pro and con.

Mr. KUNZIG. This period of 1940 to 1941 interests me because it was the period, at least in 1940 particularly, when Germany and Russia were tied in together in their infamous pact. Did the group at that time agree with the Russian viewpoint which meant also the German viewpoint?

Mr. MAHANEY. Well, I don't know what the group decided as a whole, but I think there were differences of opinion in the group, but so far as I know the group followed the general party line.

Mr. KUNZIG. The Communist Party line?

Mr. MAHANEY. The Communist Party line, yes.

Mr. KUNZIG. Where did you attend meetings next, the next place?

Mr. MAHANEY. The next place was over in the Old York Road section around 71st Street and Old York Road.

Mr. KUNZIG. Whose home was it?

Mr. MAHANEY. That was the home of Mrs. Elizabeth Finkelstein.

Mr. KUNZIG. Can you give us any further identification of Elizabeth Finkelstein, who she married?

Mr. MAHANEY. She was married to a dentist.

Mr. KUNZIG. What was his name, if you know?

Mr. MAHANEY. Well, his name was Dr. Eli Finkelstein.

Mr. KUNZIG. She was the one. I take it, who was the member of the party?

Mr. MAHANEY. She was the one at whose home we attended meetings. Dr. Finkelstein occasionally came in or went out of the house when meetings were in progress, and if I recall on 1 or 2 occasions sat down and listened, but I do not recall him ever participating.

Mr. KUNZIG. Did you know Elizabeth Finkelstein to be a member of the party?

Mr. MAHANEY. Yes, she was a member of the party, of the group.

Mr. KUNZIG. Who met with this group?

Mr. MAHANEY. Well, there was myself, Elizabeth Finkelstein, the two Drasins, Mr. and Mrs. Drasin, a Miss Sophie Elfant was there.

Mr. KUNZIG. And who else?

Mr. MAHANEY. The only other person I think I can recall was a Mrs. Eleanor Fleet.

Mr. KUNZIG. Mr. Chairman, I think the record should show that Sophie Elfant testified before this committee on November 17, 1953, in Philadelphia, Pa. She resorted to the use of the fifth amendment.

Mrs. Eleanor Fleet testified before this committee on February 16, 1954, here in Washington, D. C., in this room, and also resorted to the fifth amendment.

Are these people whom you have just mentioned the same two individuals you referred to as having party membership or having attended these party meetings with you in the home of Mrs. Elizabeth Finkelstein?

Mr. MAHANEY. Yes.

Mr. KUNZIG. So you personally knew, so far as Sophie Elfant and Eleanor Fleet were concerned that they were members of the Communist Party?

Mr. MAHANEY. They were members of the same group that I was a member of.

Mr. KUNZIG. Over what period of time did you attend meetings at this residence?

Mr. MAHANEY. That would be 1941 and 1942.

Mr. KUNZIG. Where did you next attend meetings?

Mr. MAHANEY. In relatively same area. We went to meetings from time to time at Miss Sophie Elfant's residence.

Mr. KUNZIG. At the home of Sophie Elfant?

Mr. MAHANEY. Yes.

Mr. KUNZIG. So Sophie Elfant, who would not answer questions to this committee here, actually had Communist Party meetings in her own home?

Mr. MAHANEY. Yes.

Mr. KUNZIG. What years?

Mr. MAHANEY. Along about the same time, 1943 or possibly a year later, 1944, possibly the early part of 1944 we used to go there.

Mr. KUNZIG. Were there any persons, other than those whom you have already named, who attended these meetings?

Mr. MAHANEY. The group was relatively the same. The only identification that I recall is that my ex-wife started to attend meetings with me. This was at this particular time.

Mr. KUNZIG. I have just a few questions with regard to the former Mrs. Mahaney. Normally we would not ask these questions, but the former Mrs. Mahaney was also a witness before this committee and appeared before the committee on February 17, 1954, in Washington, D. C. The Adeline Mahaney who appeared on February 17, 1954, was that the same person who was your former wife and who attended meetings with you with Sophie Elfont, meetings of the Communist Party?

Mr. MAHANEY. Yes.

Mr. KUNZIG. And you knew her to be a member of the Communist Party?

Mr. MAHANEY. Yes.

Mr. KUNZIG. What period of time was this?

Mr. MAHANEY. I would say also the latter part of 1944.

Mr. KUNZIG. 1944?

Mr. MAHANEY. That is where I would place it.

Mr. KUNZIG. I would like to point out that Adeline Mahaney, on February 17, 1954, testified to the question "Have you ever been a member of the Communist Party?" that in 1946 she went to a meeting. It was an open meeting and it was not a secret meeting, nothing secret about it. It was not a meeting of the Communist Party. It was a meeting of the Communist Political Association. She testified she attended maybe a few meetings.

She was also asked if she attended meetings at the home of Sidney and Genieve Fox and she stated that it was un-American to mention anyone's name.

You stated you attended meetings with Adeline Mahaney at the home of Sophie Elfont. I want you to give the time, if you can. To the best of your knowledge, what period of time was that?

Mr. MAHANEY. To the best of my recollection it was the period in and around 1944 or possibly the early part of 1945. I could not place the time any more accurately.

Mr. KUNZIG. It was not just one meeting, I take it?

Mr. MAHANEY. No, she went to meetings with me when I went. I was given to understand that my attendance was not frequent enough.

Mr. KUNZIG. The Communists gave you to understand that?

Mr. MAHANEY. Yes, the party members chided me for that, that my attendance was not particularly regular, but when I went my ex-wife went along.

Mr. KUNZIG. Where did you next attend meetings?

Mr. MAHANEY. I next attended meetings in town.

Mr. KUNZIG. Where?

Mr. MAHANEY. In midcity, in that area. I would put that around 1944 or 1945 and I used to go to meetings at the Fox residence.

Mr. KUNZIG. Would you identify the Foxes further, is that Sidney and Genieve Fox?

Mr. MAHANEY. Yes.

Mr. KUNZIG. Where did they live?

Mr. MAHANEY. They lived in the 2200 block of Pine Street.

Mr. KUNZIG. Will you please name the individuals who attended these meetings with you, these Communist Party meetings at the home of Sidney and Genieve Fox?

Mr. MAHANEY. Well, the persons who were at the meeting usually with me that I recall were Sidney and Genieve Fox and myself, Adele Margolis, and Lillian Lowenfels. Then a Celestine Fulchon came to meetings.

Mr. VELDE. Mr. Counsel, we have had a call to the House, and apparently we will be unable to finish with this witness before such time in view of the fact that the members have to answer the call. You may proceed for a short period of time.

Mr. KUNZIG. I have just a few questions before the members have to leave to go to the floor, just to clear up the names of these people who have just been mentioned.

Mr. Chairman, for the record, Sidney Fox was a member of the school system of the city of Philadelphia and I think it is most interesting to note that he resigned from the school system the night before he was required to take the oath of loyalty required under the laws of the Commonwealth of Pennsylvania. He has now left the east coast, I understand.

Adele Margolis and Lillian Lowenfels appeared before this committee in 1953 in Philadelphia, Pa., at which time they resorted to the use of the fifth amendment in answer to questions put to them.

You know these people, Dr. Mahaney. Are they the same people who appeared before this committee and refused to answer? Are they the same ones you are talking about?

Mr. MAHANEY. Yes.

Mr. KUNZIG. And you knew them to be members of the Communist Party?

Mr. MAHANEY. Yes.

Mr. KUNZIG. I think it is also important, Mr. Chairman, that Celestine Fulchon testified before this committee on February 17, 1954, in Washington, D. C., in this very room.

Is that the same person you are referring to?

Mr. MAHANEY. I don't know about her testifying, but it is the same person.

Mr. KUNZIG. For the purpose of identification, can you identify her further in any way?

Mr. MAHANEY. Well, I know that she was one of those who were summoned to be here. She was a Negro, a rather tall, heavy-set person, light brown complexion.

Mr. KUNZIG. And you knew her to be a member of the Communist Party?

Mr. MAHANEY. I knew her to attend meetings with me at the home of the Foxes.

Mr. KUNZIG. Mr. Chairman, when asked the question, "Have you ever been a member of the Communist Party?" she said, in this very same room and sitting in the very same chair in which the witness is now sitting, "I have not."

She denied having anything to do with the Communist Party. She did not take the fifth amendment. She did not do anything except deny the questions asked her. And I think that this matter is one which we should now take under advisement and study further with the possible citation to the Justice Department for perjury action.

Mr. VELDE. Certainly, and without objection from the members of the committee, counsel is directed to refer the record on this particular matter to the Attorney General.

Mr. KUNZIG. The Lillian Lowenfels referred to is the same person who is now under trial under the Smith Act in the city of Philadelphia?

Mr. MAHANEY. Yes, she is.

Mr. KUNZIG. The wife of Walter Lowenfels?

Mr. MAHANEY. Yes, Walter Lowenfels' wife.

Mr. KUNZIG. This would be a good time to take a break, Mr. Chairman.

Mr. VELDE. The committee will be in recess until 2 o'clock this afternoon.

(Whereupon, at 11:26 a. m., the hearing was recessed to 2 p. m. the same day.)

AFTERNOON SESSION

(At the hour of 2:08 p. m. of the same day, the proceedings were resumed, Representatives Donald L. Jackson, Francis E. Walter, and Clyde Doyle being present.)

Mr. JACKSON. The committee will be in order.

Are you ready to proceed, Mr. Counsel?

Mr. KUNZIG. Yes, Mr. Chairman.

Mr. JACKSON. Very well.

TESTIMONY OF WILBUR LEE MAHANEY, JR.—(Resumed)

Mr. KUNZIG. Just as we closed in this morning's session, Dr. Mahaney, we were discussing Celestine Fulchon, and to make sure the record is correct, you identified her as someone you knew who had been a member of the Communist Party, is that correct?

Mr. MAHANEY. Yes.

Mr. KUNZIG. Continue on from there. I would like to ask you a few further questions. I take it, Dr. Mahaney, that you are familiar with the names of some 40 schoolteachers who were subpoenaed by the committee in November 1953 in Philadelphia and in February 1954 in Washington, D. C.?

Mr. MAHANEY. Yes, I think so.

Mr. KUNZIG. I would like to ask you at this time, other than the individuals you have already identified, do you know any others of this group who were subpoenaed by this committee to have been members of the Communist Party?

Mr. MAHANEY. Only those that I have previously identified with you to this committee.

Mr. KUNZIG. We have had a great deal of testimony before this committee, Dr. Mahaney, at various times to the effect that particularly professional groups of the Communist Party, groups of teachers, lawyers, doctors, dentists, people of that type were in small groups, were kept very, very small groups, and did not come together usually in the different groups. You have already testified today that the groups with whom you met were all small groups, that there were 5, 6, or 8; is that correct?

Mr. MAHANEY. That is correct.

Mr. KUNZIG. I want the record to be completely clear, Mr. Chairman, that we have asked Dr. Mahaney only to testify about the people whom he positively knew to have been members of the Communist Party, those whom he could positively identify. There, of

course, must be no inference that because Dr. Mahaney happens to be from Philadelphia that any people whom he did not name were not members of the party.

Is it correct, Dr. Mahaney, that teachers whom you did not name, you merely knew nothing about?

Mr. MAHANEY. There were a number of them whose names I did not know.

Mr. KUNZIG. And you have told us about those members of the party whom you knew personally to be members of the Communist Party?

Mr. MAHANEY. Yes; and there undoubtedly may have been other groups with which I was totally unfamiliar.

Mr. JACKSON. Of course the committee is very anxious that you testify only to the names of those of whom you have personal knowledge.

Proceed, Mr. Counsel.

Mr. KUNZIG. I believe you stated that you were transferred from the Communist Party group that met at the Fox residence; is that true?

Mr. MAHANEY. Yes; that is true.

Mr. KUNZIG. To what group were you then transferred?

Mr. MAHANEY. This was in 1946. I was then transferred to a group in the lower part, the Queen Lane section around Winona Street. This was the last group that I had an affiliation with, because this was along about the time that I was making up my mind that I was going to drop out and break with the Communist Party and leave it. I attended approximately, I think, two meetings there.

Mr. KUNZIG. Winona Street and what other street?

Mr. MAHANEY. It was around Winona and Pulaski, because it was a neighborhood group.

Mr. KUNZIG. You say it was a neighborhood group?

Mr. MAHANEY. It was a neighborhood meeting place.

Mr. KUNZIG. What do you mean by that?

Mr. MAHANEY. There seemed to have been some sort of a club which may have been used by other groups for membership meetings.

Mr. KUNZIG. Other than the Communist Party?

Mr. MAHANEY. Yes.

Mr. KUNZIG. Do you recall any of the individuals who attended meetings with you in this particular group?

Mr. MAHANEY. No; as I said before, I only went possibly a couple of times. I do not think I ever knew a soul. It was a mixed group, a new group, and I probably went to two meetings.

Mr. KUNZIG. Dr. Mahaney, you were very active in the Teacher's Union in Philadelphia, were you not?

Mr. MAHANEY. Yes, I was for some years; that is true.

Mr. KUNZIG. In order that the record may be clear, I mean the union recently headed by Mr. Jennings, not any other union.

Mr. MAHANEY. The original union I joined was back in 1935, I believe, when I came back from Europe and it was the old American Federation of Teachers.

Mr. KUNZIG. The one with which you were associated and is now headed by Mr. Jennings.

Mr. MAHANEY. That is the same one.

Mr. KUNZIG. The same group?

Mr. MAHANEY. Yes; the same group.

Mr. KUNZIG. How long were you in that union?

Mr. MAHANEY. Well, I was in it, I would say, from about 1935, possibly early in 1936, but I think 1935 until about 1944, maybe even 1945, about 10 years.

Mr. KUNZIG. In other words, your period of time with this union was almost identical with the period of time that you were in the Communist Party?

Mr. MAHANEY. The reason for that was when I broke and got away from the Communist Party I not only did that, but my whole way of life changed and I moved, dropped everything, all affiliations and associations and I had nothing to do with the people and moved 30 miles away for that purpose.

Mr. KUNZIG. Were you ever an officer of the Teachers Union?

Mr. MAHANEY. Yes; I was a member of the executive board for a couple of years.

Mr. KUNZIG. Can you give us those years when you were a member of the executive board?

Mr. MAHANEY. I would say offhand in 1938-39.

Mr. KUNZIG. Did you hold any other position?

Mr. MAHANEY. Yes; for 2 years I believe, I was one of the vice presidents of the union. That would be either 1940 or 1941.

Mr. KUNZIG. In order that the record be clear, Dr. Mahaney, you are telling us that when you were a member of the executive board and later when you were a vice president of this Teachers Union in Philadelphia, you were a member of the Communist Party at that very same time?

Mr. MAHANEY. Yes.

Mr. KUNZIG. Did you at that time announce to the members of the union that you were a member of the Communist Party?

Mr. MAHANEY. No, I did not.

Mr. KUNZIG. Did you hold any other office, official position, after that with the union?

Mr. MAHANEY. I did not.

Mr. KUNZIG. Were you ever an instructor in the Philadelphia School for Social Sciences and Arts, a cited Communist-front organization, Mr. Chairman, for the record?

Mr. MAHANEY. Well, I taught one of the classes, a seminar, you might call it, in American history, I believe in the spring and fall of 1944.

Mr. KUNZIG. You were a member of the Communist Party at the time you were an instructor for the Philadelphia School for Social Science and Arts, were you not?

Mr. MAHANEY. Yes, I think I still was in active membership.

Mr. KUNZIG. In regard to your official capacity in the teachers union, did you know any of the members of the union to be members of the Communist Party?

Mr. MAHANEY. I assume that some of them were. I just took it for granted.

Mr. KUNZIG. We are only interested in names that you can positively identify.

Mr. MAHANEY. I do not think I can positively identify them.

Mr. KUNZIG. There may have been many members of other groups of the Communist Party that you did not know.

Mr. MAHANEY. There might have been.

Mr. KUNZIG. Do you know Mary Foley Grossman to be a member of the Communist Party?

Mr. MAHANEY. No, I only assumed that Mrs. Grossman was.

Mr. KUNZIG. Did you have close association with her in the union?

Mr. MAHANEY. Not particularly. I was not vice president of the union at that time that she served as president.

Mr. KUNZIG. I want you to be very certain that we have covered the questions which you refused to answer in your prior appearance before the committee here.

You were asked about recruiting into the Communist Party and we have covered that.

You were also asked who were the other members that you knew in the Communist Party.

Are there any other names of people that you can think of whom you knew in the Communist Party whom you have not mentioned here and I am keeping in mind that we are only interested in those whom you can positively identify.

Mr. MAHANEY. I cannot think of any other names other than those that I have discussed with the committee.

Mr. KUNZIG. I have asked you about Mary Foley Grossman. I have asked you before prior to this meeting and I will ask you again, did you know Miss Sarah Walsh to be a member of the Communist Party?

Mr. MAHANEY. The same answer that I have given about Mrs. Grossman. I assumed as much.

Mr. KUNZIG. Did you know Eleanor Fleet as a member of the Communist Party?

Mr. MAHANEY. Yes.

Mr. KUNZIG. You have already testified about her.

Mr. MAHANEY. I testified to this committee I went to meetings with Mrs. Fleet.

Mr. KUNZIG. We asked you whether you attended Communist Party meetings at the home of Sidney and Genieve Fox at 2200 Pine Street in Philadelphia and you have already testified that you did attend such meetings?

Mr. MAHANEY. Yes.

Mr. KUNZIG. You did attend?

Mr. MAHANEY. Yes.

Mr. KUNZIG. And we asked you whether you knew Sidney and Genieve Fox, and the answer is "yes"?

Mr. MAHANEY. Yes.

Mr. KUNZIG. We asked you whether you knew them to be members of the Communist Party, and the answer is "yes".

Mr. MAHANEY. Yes; that is correct.

Mr. KUNZIG. You were asked about other people here, Adeline Mahaney, your previous wife, and you identified her as having been a member of the Communist Party?

Mr. MAHANEY. As having gone to meetings with me; yes.

Mr. KUNZIG. Lillian Lowenfels.

Mr. MAHANEY. Yes.

Mr. KUNZIG. Adele Margolis.

Mr. MAHANEY. Yes; I did.

Mr. KUNZIG. I am reading some of the questions for which you were cited for contempt; how about Harry Fruit?

Mr. MAHANEY. I did not know him as such.

Mr. KUNZIG. Ethel Fruit?

Mr. MAHANEY. No; I did not know Mrs. Fruit. Is she Mrs. Fruit?

Mr. KUNZIG. Yes; I believe so. In other words, you did not know them to be members of the Communist Party?

Mr. MAHANEY. I knew him, but I do not remember ever meeting her.

Mr. KUNZIG. That doesn't mean they could not have been, but you don't know?

Mr. MAHANEY. That is right.

Mr. KUNZIG. Esther Soler?

Mr. MAHANEY. I knew her to be active, an active member in the union. That was toward the end of my career, you might call it.

Mr. KUNZIG. You don't know whether she was a member of the Communist Party?

Mr. MAHANEY. No.

Mr. JACKSON. I do not want the record to reflect or indicate that this is the first time that these individuals have been named in a hearing of this sort, lest such impression be given. It is a fact that all these people have heretofore been called in executive session.

Mr. KUNZIG. These people have been called in public session before this committee and have all taken the fifth amendment, and they have been identified before this committee in executive session.

Mr. JACKSON. That is the important thing, because so far as the testimony of the present witness is concerned, we have nothing except an assumption, and so I think it is important that the record reflect that these people have heretofore been identified.

Mr. KUNZIG. I am asking these questions in this order because these were the specific questions that this witness refused to answer before.

Mr. JACKSON. I understand that, but the point of the prior identification had not been adduced and should be in the record. Proceed, Mr. Counsel.

Mr. KUNZIG. Dr. Mahaney, will you explain further your reasons for breaking or disassociating yourself with the Communist Party?

Mr. MAHANEY. Mr. Kunzog, all the questions of late, the last few have sort of left me under the impression that possibly I have not made myself particularly clear, my own position, and if you don't mind, if I may digress, might I say that I want to make it clear to the committee and to the American people for that matter that I am not a member of the Communist Party, that I have not been a member of the party for some 6 or 8 years, and that I am not at all interested in it one way or the other.

When I came before this committee and testified the first time, I testified according to my conscience. I did what my conscience prompted me to do, and I realize now that it was a very serious and grave mistake, but I would also like for the committee to understand that it was done in good faith and it was done in good conscience and I realize now that it was a grave mistake.

I think I acted out of a mistaken sense of loyalty. I think I was wrong, and I am very sorry that it happened for that matter.

I realize now that my first loyalty is definitely to my country and to my family and this is the reason why I attempted what I did attempt and was successful in contacting the committee, because I wanted to rectify what other errors there seemed to be among them that I had a hesitancy about discussing anything because of a possible information factor which I had nothing to do with at all so far as I could separate the thing in my mind, and what I am doing today is the proper thing and what I undoubtedly should have done at the time, but I am not a member of the party and I have not been and I would like to be sure that everybody understands it.

Mr. KUNZIG. Could you tell us, as I asked before, why you left the party?

Mr. MAHANEY. Well, that is a long, long story which could be boiled down into probably a few not too general statements.

I do not think that I was ever completely comfortable in the Communist Party in any sense for the very simple reason that it appeared to be necessary to observe a certain amount of anonymity. So belonging to an organization which required anonymity, or at least anonymity seemed to be at a premium, I felt very uncomfortable at times and very seriously embarrassed.

I almost felt as if I had some sort of a millstone around my neck from time to time and as the years went by I became more and more convinced that it was a grave error.

Now, of course, my personal affairs did have something to do with the break which I made around 1946. In 1946 there was, you might say, a complete change in my whole personal life. I became estranged from, separated, and finally divorced from my first wife.

At that time I moved out of town. I disassociated myself from everybody. I went to very few union meetings, possibly 1 or 2 in the course of a year or so, and my idea was to break away completely. My whole life took a completely different turn.

I became acquainted with my present wife whom I had known casually a few years before. Eventually I married her. We now live at our present address. We had a couple of young sons, one 3 and one 6. I was not interested in any of these things. I had my wife, my children, my home, my teaching job, and I hardly went any place except to and from work. All of our friends were different. I saw no one except the new friends and acquaintances that I had made and so this was what happened.

Mr. KUNZIG. And now, of course, you have no connection, as you have testified, in any way whatsoever with the Communist Party?

Mr. MAHANEY. None whatsoever.

Mr. KUNZIG. Dr. Mahaney, in order that the record may be clear, it is correct, is it not, that at the suggestion of this committee you have communicated with another Government agency within the last few days and have given them your entire story, is that correct?

Mr. MAHANEY. That is true. I also was told to do it confidentially by friends, but particularly by this committee when I decided that I wanted to bring this whole thing to a complete and clear ending so that the committee would have the benefit of what information might be pertinent and desirable to them.

I contacted the committee here and they agreed to try to arrange a meeting. They also suggested that it might be a good thing to talk

to the Federal Bureau of Investigation. I spent a couple of days with them. I discussed everything freely and frankly with them.

Mr. KUNZIG. This was the first time you have done that?

Mr. MAHANEY. This was the first time I had done it, that is true.

I would like to say possibly for the record, if that might be permitted, that when I came to the committee I was received in a very friendly fashion. Mr. Fuoss and yourself, Mr. Kunzog, were very kindly and I received every courtesy.

The same is true of the Federal Bureau of Investigation and I feel if others who might find themselves in a similar situation as myself had the assurance which I now have that it would clear up the atmosphere considerably and would dispel what I feel is an attitude or fear which I believe prevented former party members from willingly coming forth and discussing their former affiliations and associations.

Mr. KUNZIG. In order that the record may be clear, of course, I want to repeat what you have already testified to, namely, that you have been promised nothing by any member of this committee or by any of us, is that correct?

Mr. MAHANEY. Not a thing.

Mr. KUNZIG. You came here of your own free will and told the story completely and told the truth?

Mr. MAHANEY. I did, and I came without advice of counsel.

Mr. KUNZIG. Mr. Chairman, I have no further questions.

Mr. JACKSON. Mr. Walter, do you have any questions?

Mr. WALTER. Doctor, I hope that you have, by the very courageous position that you have taken, indicated to others, particularly to those of education, that they owe to this Republic a greater responsibility than they do to any mistaken ideas of loyalty and so on.

This is a distasteful job that we are doing. We do not like it and despite the stories that you may have heard, we are not entirely unsympathetic with most of the people in fact who appear before this committee. But I think we have come now to the time when everybody ought to realize that we are either on one team or the other and that there is no place in America for those who would give any comfort, even though indirectly, to people who have by an abundance of evidence demonstrated that they are our enemies.

I for one feel that you have made a considerable contribution and I hope that many others will do the fine, patriotic thing that you have done and will come to us and let us continue our work to the end that we can strengthen the attitude of the American people toward this international conspiracy.

Mr. JACKSON. Mr. Doyle, do you have any questions?

Mr. DOYLE. As I recall it, your testimony this morning was that you joined the Communist Party in 1936?

Mr. MAHANEY. That is absolutely correct.

Mr. DOYLE. And you stayed in 10 years, until 1946.

Mr. MAHANEY. Yes.

Mr. DOYLE. You stated that you have done a great deal of reading. Do you remember that?

Mr. MAHANEY. Yes, I did.

Mr. DOYLE. I assume therefore that you read the record and history of the American Communist Party because you were still a member then, according to your own statement, under oath, of the

Communist Party Convention in 1945 at which time they threw Earl Browder out?

Mr. MAHANEY. Yes, I remember that.

Mr. DOYLE. You remember the Duclos letter?

Mr. MAHANEY. Yes, I do not remember as I read it, but I think at the time parts of it undoubtedly were discussed at party meetings.

Mr. DOYLE. Will you tell me if I am in error, but my information is that that letter substantially laid down the line of demarcation pretty clearly showing that from that time on the American Communist Party was to understand that the American way of life and the Soviet way of life could not exist side by side in the same world. That was true, was it not?

Mr. MAHANEY. I never got any such impression.

Mr. DOYLE. You never got any such impression?

Mr. MAHANEY. Possibly because I did not go into it.

Mr. DOYLE. Did you ever get that impression at any time?

Mr. MAHANEY. Only when recent events took place, and I began to realize that after the war the whole picture began to change. In other words, after we were no longer allies.

Mr. DOYLE. What year would that be that you began to get that impression?

Mr. MAHANEY. That would be after 1945 or in 1946.

Mr. DOYLE. But you stayed in the party until 1946?

Mr. MAHANEY. Yes, until the early part of 1946.

Mr. DOYLE. Why didn't you get out of it in 1945 when you began to have that impression? Why didn't you get out of it immediately?

Mr. MAHANEY. I was not a very active member and only attended a few meetings from time to time. I was dropping out, so to speak, then.

Mr. DOYLE. But you were a scholarly member? You were blessed with more education and degrees than most. You were well read. You were a scholar. As Mr. Walter has said previously, this is not an easy thing for any of us to do.

But for myself as a member of this committee it makes me feel very uncomfortable that not until you were cited, not until you knew you were going to be cited for contempt did you ask for a further hearing before this committee. You were before this committee on October 26, 1953. That was October. It is now, for all intents and purposes, August 1, 1954. You received your subpoena and appeared in the first place on October 26, 1953, and you came in February 1954. February, March, April, May, June, July, that is 7 months.

And not until after 7 months had elapsed after you testified here, together with the fact that not until you knew you were being cited for contempt did you ask to come back here and straighten up your conscience as a matter of public record.

How do you explain that? What were you doing with your conscience those 7 months?

Mr. MAHANEY. Mr. Congressman, you are probably unaware of the fact, but originally, previously, what I am doing now is what I had planned to do at first.

Mr. DOYLE. Why didn't you come back before 7 months had elapsed?

Mr. MAHANEY. Well, I thought at the time that I had done the proper thing and on the advice of my counsel I had done it and he

had agreed that I had taken a high moral ground of conscience and that was his advice to me, too.

I do not mean to involve him. He had so counseled my wife and she was uncomfortable about it. We have all been uncomfortable about it, but we did not know what could be done about it especially and I left it in his hands.

Mr. DOYLE. He has not been counseling you for some time since you appeared here, has he, since you appeared in February? He has not been telling you not to come back to the committee and straighten up your conscience?

Mr. MAHANEY. No; I would not say he advised me not to come back to the committee, but I asked him once or twice if there was anything that I could do and he said, no, there was nothing more that we could do; we just would have to wait until we saw what the action of the committee was, if they were going to hold me in contempt. And he did not believe that they would, that he did not think Congress would do that.

And for months, of course, I relied on that.

Mr. DOYLE. So you relied on that possibility and your conscience was not worrying you enough to find out whether or not you could come back and straighten up the record?

Mr. MAHANEY. I asked him what I could do and he merely told me what I could do was to wait and see what Congress would do.

Mr. DOYLE. And whether or not you were cited.

Mr. MAHANEY. He did not think I would be.

Mr. DOYLE. And you took the chance on whether or not you would be cited against clearing up your own conscience, in spite of the lawyer's advice?

Mr. MAHANEY. No; I had always wanted to do this, that is, to tell the whole story.

Mr. KUNZIG. Why didn't you?

Mr. DOYLE. I am deliberately asking you these questions, not because it is pleasant but I do not go so far as a member of this committee to feel that witnesses ought to get the idea before this committee that they can come in here and refuse to cooperate and wait until they are cited for contempt and then come in on the theory that they will purge the record of their previous Communist affiliations and following the Communist line when they are first before the committee.

I do not know how in the world I can discover, as a member of this committee, if a man is acting in good faith or not. If a man has been in bad faith and a member of the Communist Party for 10 years, how am I to know whether or not I can believe the good faith is true? I don't know. That leaves me in a very uncomfortable position.

I want you as an American citizen and everybody who knows about it to know that it worries me so, and in your case for you to say that you have been feeling uncomfortable for 7 months about the testimony you gave in the first place in February and then wait until you are cited and then come in to clean up the situation—however, in closing I am going to assume that you are in good faith.

Mr. MAHANEY. I am very sorry that you have got this impression.

Mr. DOYLE. My impression is that it is a difficult situation for you to put me in as a Member of Congress.

Mr. MAHANEY. It is even more difficult for me to explain except on the grounds that I think I was ill advised in the first place.

Mr. DOYLE. You say just one more thing I wish to remind you of.

On page 5 of the hearings, here is what you said, and this is what makes it difficult for me to understand. You said:

I have always believed and I have been told that to be an informer as to the friends that you might have or acquaintances that you might meet along the pathway of life is contrary to every tenet of the American way of thinking.

Mr. MAHANEY. Yes.

Mr. DOYLE. That was not legal advice that you were relying on when you stated that. That was not your attorney's opinion. That was your own positive statement to this committee in February of this year.

I want to read it again:

I have always believed and I have been told that to be an informer as to the friends that you might have or acquaintances that you might meet along the pathway of life is contrary to every tenet of the American way of thinking.

Mr. MAHANEY. Yes.

Mr. DOYLE. That was your own opinion?

Mr. MAHANEY. Yes.

Mr. DOYLE. And you held it all along?

Mr. MAHANEY. Yes.

Mr. DOYLE. And so stated. That was not your lawyer's opinion, that was your lifelong experience.

Mr. MAHANEY. I thought, Mr. Congressman, that I made it clear that when I took the position I did back in February that I was pursuing the proper course, that this was what my conscience told me to do, and I did it.

Now, it so happened that it agreed perfectly with my counsel's consultation, or at least he so advised me and he thought that this was a perfectly proper procedure. He did tell me of course that there was a danger, in other words, that Congress might decide that they did not agree with my way of thinking. I mean, I do not want to give you the impression that he assured me that nothing would happen. But I felt entirely different about it lots later on and there was a question about it in the minds of my wife and family and friends that I had a mistaken sense of loyalty to people, and one of them was the fact that this woman was dead and I had been taught to respect the dead and that sort of thing. I think I tried to make that clear that it was a mistake.

Mr. DOYLE. The Communist Party, when you were a member of it in the last several years was pretty much of a secret outfit, wasn't it?

Mr. MAHANEY. I don't know that it was any more secret in 1945 or 1946 than it had ever been, not to my knowledge.

Mr. DOYLE. It was semisecret at least.

Mr. MAHANEY. It always had been, I would say, clandestine.

Mr. DOYLE. So all the time you were in it you knew it was a clandestine organization at least?

Mr. MAHANEY. Yes.

Mr. DOYLE. In closing, Mr. Chairman, I just want to have this fellow citizen know that I realize and I am sure that the rest of the members realize that he was a member of a clandestine organization that was a part of an international conspiracy, even in those days, whether you knew it or not, as a scholarly man and well read, and stated that you had read a lot and you must have known a good deal of what it was.

Mr. MAHANEY. Certainly at the time I joined I had no such idea.

Mr. DOYLE. The other point I want to make is that I am sure that our counsel has made it plain to you and I think other members of the committee feel that the fact of your coming back here voluntarily doesn't place us under any obligation directly or indirectly to do anything about removing the possibility of your being in contempt.

Mr. WALTER. Will you speak for yourself, Mr. Doyle?

Mr. DOYLE. I am speaking for myself individually as a member of the committee.

Mr. MAHANEY. Mr. Kunzig explained that to me and also Mr. Fuoss.

Mr. DOYLE. It is clear in your mind and I want it clear in the minds of everybody that our counsel so advised you, and I as a member of the committee take the same position.

Again I want to compliment you for coming back and I assume you are 100 percent in good faith.

Mr. MAHANEY. Thank you, sir.

Mr. DOYLE. One reason that I am lecturing you perhaps as I am is not because it is comfortable but because I know that some former Communists are now coming in before this committee, before we are a year or two older and they will ask to be purged and some of them will not be in good faith with this committee. They will still be cheats and still be subversives and of bad intent and it will make it very difficult for me as a member in such a short time to be discerning enough in my limited experience to know who is in good faith and who is in bad faith.

Mr. WALTER. Of course all that presupposes that this is a punitive matter. We are charged with getting information.

Mr. DOYLE. That is right.

Mr. WALTER. It seems to me that if they are able to come in and contribute to our knowledge, I do not see any sense in citing people; what do you learn by going through that tortuous procedure?

Mr. DOYLE. I complimented the gentleman for coming back voluntarily, but I cannot help bearing in mind that he had his conscience with him from February until he was cited for contempt without coming back voluntarily.

Mr. KUNZIG. In order that the record may be absolutely clear, Dr. Mahaney, the people whom you named here today were people whom you knew to be members of the Communist Party?

Mr. MAHANEY. That is correct.

Mr. KUNZIG. I would like to say one thing for the record, myself, Mr. Chairman, and that is that I know nothing about what was in this man's mind prior to his coming back here in the past few days, but in my lengthy conversations with him in the last few days and today I feel clearly in my own mind and in my own heart that this man is here today in good faith.

Mr. JACKSON. The Chair would like to say in conclusion, before the witness is dismissed, that I am in accord personally with what has been said by the gentleman from Pennsylvania.

I am very happy as an individual Member of the Congress and of the committee that you did make the decision to return to the committee.

Mr. Walter has said we gain nothing by sending people to jail. Our job is to develop information that will be of help to the Congress in deciding what remedial action or legislation is needed. We have a

reason to believe and to know that the Communist Party made a very determined effort to infiltrate their own people and people of like mind into the teaching profession.

The Communist magazine, an official organ of the party, set forth the criteria which should be used in recruiting teachers into the conspiracy and then went on to say what was expected of the Communists and that was to carry the class struggle into the classroom both on and off campus, so we feel there is a very real and urgent need for some legislation which will meet the determined effort of infiltration of the Communist conspiracy into the classrooms of the Nation.

One more point, and that is the matter of giving names of people you knew a long time ago. That is not an easy thing to do. However, it is my feeling and I speak again as an individual, that the people with whom you were associated may in many instances be members of the Communist Party unless you are prepared to state affirmatively under the compulsion of your oath that you know that none of them are members of the Communist Party.

Could you state affirmatively and under the compulsion of your oath that none of these people are members of the Communist Party?

Mr. MAHANEY. Of my own personal knowledge I could not.

Mr. JACKSON. That goes to the very point of the necessity of going into the background of the conspiracy because the Smith Act defendants today are the young Communists of 20 or 30 years ago.

It is a very difficult ordeal. I congratulate you upon your decision to return and associating myself with Mr. Walter I would certainly not, as a Member of Congress, seek any further punitive action against you.

Have you given the committee, friendships and loyalties aside, the names of all of those who were personally known to you to be members of the Communist Party?

Mr. MAHANEY. I have given all the names that I personally knew of my own personal knowledge to Mr. Kunzig and Mr. Fuoss and to the committee.

Mr. JACKSON. And you have also gone into the extent of the activities so far as they were known to you?

Mr. MAHANEY. That is true.

Mr. JACKSON. I ask that because if in the future a close personal friend of yours might be subpoenaed before this committee and it might again create a very difficult situation in the event that he might identify you as a close intimate friend with whom he had been in the Communist Party, so I think it is important that no false feeling of loyalty under the situation as it obtains today should be allowed to enter into your thinking or into your testimony.

Is there anything further?

Mr. WALTER. No questions.

Mr. DOYLE. I have nothing further.

Mr. JACKSON. Do you have anything further, Mr. Counsel?

Mr. KUNZIG. No, sir.

Mr. JACKSON. Is there any reason why the witness should not be excused?

Mr. KUNZIG. No.

Mr. JACKSON. With the thanks of the committee, you are dismissed and the committee stands adjourned.

(Whereupon, at 2:51 p. m., the hearing was adjourned.)

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